IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

**WRIT PETITION NO.2569 OF 2006**

Rajtaru Studios Limtied & Anr...Petitioners

Vs.

Maharashtara Film, Stage

& Cultural Development Corporation

Ltd. & Anr. .....Respondents

Mr. Tushar Bhavsar i/b. A.V. Jain Associates for the petitioenrs.
Mr. R.S. Apte, with Mr. N.R. Bubna, for respondent No.1.
Mr. A.Sayed, AGP for respondent No.2.

**CORAM: F.I. REBELLO &**
**ANOOP V. MOHTA, JJ.**
**DATE: 20TH OCTOBER,2006**

P.C.

. The Respondent Corporation had invited bids some time in the year 2003. It is the case of the respondent Corporation that in the meeting held on 12th September, 2003 the petitioner accepted and confirmed the conditions. In terms of the conditions the petitioner was bound to pay the amount as set out therein. No agreement has been entered into. The respondents have now invited fresh tenders. The petitioners have moved this Court challenging the invitation of fresh tenders on the ground that he is willing and has done his part for the purpose of signing the agreement.

2. Firstly this is a matter of contract and the petition raises disputed question of facts. Secondly, it is open to the respondents after a

period of 3 years to have invited fresh tenders. Under these circumstances the respondents cannot be faulted in inviting fresh tenders. We make it clear that we have not decided the contentions as raised by the Respondent that the petitioner is bound to pay the amount in terms of the earlier tender. That will be subject to whatever proceedings that the parties may take. With the above observation petition disposed of. Consequently, the order of status quo stands vacated. If the petitioner submits his tender within seven days from today complete in all respect the respondents to consider the said tender along with the other tenders if those tenders have not yet been opened.

**(F.I. REBELLO, J)**

**(ANOOP V. MOHTA,J).**